

REMARKS

The Office Action mailed August 10, 2010 has been carefully considered.
Reconsideration in view of the following remarks is respectfully requested.

Amendment to Claims 1, 11-12, and 16-17

Claims 1, 11-12, and 16-17 have been amended for improved clarity and grammatical accuracy. The amendments do not raise any issues beyond those already considered by the Examiner.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant argues herein that such amendment is made to distinguish over a particular identified reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments or aspects of Applicant's invention.

Cancellation of Claims 14-15

Claims 14 and 15 have been cancelled without prejudice as to the subject matter contained therein.

Objection to Claim 12

The Examiner has objected to Claim 12 because of an informality in the phrase "this transparent pipe." Applicants have amended this to read "the transparent pipe."

Rejection(s) Under 35 U.S.C. §112, Second Paragraph

Claims 1-17 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In particular, independent Claim 1 is rejected because, according to the Examiner, "the latter" has insufficient antecedent basis. As "the latter" refers to the liquid sample, Applicants have replaced "the latter" with "the liquid sample," which has the same meaning and does not change the scope of the claim.

Independent Claim 12 is rejected because, according to the Examiner, the phrase “the outlet” has insufficient antecedent basis. Therefore, Applicants have changed the term to read “the output,” thus making clear the antecedent basis.

Rejection(s) Under 35 U.S.C. §103(a)

Claims 1-17 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pawliszyn (U.S. pat. no. 4,940,333) and further in view of Pollema et al. (U.S. pat. no. 5,849,592).

The Examiner notes (p. 10) that Pawliszyn refers to a filter in front of a detector (Col. 9, ll. 23-27); i.e., the filter is “placed in front of detector 31 to filter out background room light and the excitation light thus limiting the light reaching the filter to only that of the probe beam.” However, Pawliszyn does not use a diode array aligned on the reaction loop, as required by amended claims 1 and 12. Moreover, Pawliszyn does not filter the light as part of determining the position of at least one color change point along the reaction loop, as required by amended claim 1.

Claims 2-11, 13, and 16-17 variously depend, directly or indirectly, from the base claims addressed above. Pollema fails to remedy the above-mentioned shortcomings of Pawliszyn with respect to the base claims. Accordingly, claims 2-11, which by definition include all the limitations of independent claim 1, and claims 13, 16, and 17, which by definition include all the limitations of independent claim 12, are patentable over the combination of these references.

Furthermore, Pawliszyn does not describe linear detection along the reaction loop such that a space and time plot can be obtained. Optical fibers 79 and 83 of Fig. 10 of Pawliszyn are shown to measure a single data point in space. Optical fibers 97 of Fig. 12 of Pawliszyn are not detectors; rather, they are described as directing an “excitation beam” on the electrode 92.

In addition, with respect to claim 11, Applicants disagree that a sensor that is glued to a single position along the capillary tube as in Pawliszyn (col. 5, l. 54) is “configured to be movable.” Rather, one of skill in the art will understand that a glued sensor is configured *not* to be movable.

In this case, the rejection based on the combination of the Pawliszyn and Pollema fails to rise to the level of a *prima facie* case of obviousness, at least for the reasons outlined above. Accordingly, it is respectfully urged that the obviousness rejection of claims 1-17 is improper and should be withdrawn.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-3557.

Respectfully submitted,
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